

FIFTY-NINTH DAY

(Wednesday, May 5, 1965)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Reports of Standing Committees

Senator Watson submitted the following report:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred H. B. No. 501, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

WATSON, Chairman.

Senator Creighton submitted the following report:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 803, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

CREIGHTON, Chairman.

Senator Kazen by unanimous consent submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred S. J. R. No. 45, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KAZEN, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 48, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, as amended, and be printed.

KAZEN, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 79, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

KAZEN, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 40, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that

it do not pass, but that the Committee Substitute adopted in lieu thereof do pass, and be printed.

KAZEN, Chairman.

C. S. H. J. R. No. 40 was read the first time.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to which was referred H. J. R. No. 24, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass, and be printed.

KAZEN, Chairman.

C. S. H. J. R. No. 24 was read the first time.

Senator Creighton submitted the following reports:

Austin, Texas,
May 4, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 568, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 4, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 596, have the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Austin, Texas,
May 4, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B.

No. 705, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Herring submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 169, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass and be not printed.

HERRING, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 368, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 68, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 391, have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 41, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred H. B. No. 92, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HERRING, Chairman.

C. S. H. B. No. 92 was read the first time.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. C. R. No. 84, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee Substitute adopted in lieu thereof do pass and be printed.

HERRING, Chairman.

C. S. S. C. R. No. 84 was read the first time.

Senator Ratliff submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Coun-

ties, Cities and Towns, to which was referred H. B. No. 1107, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 230, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Parkhouse submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 539, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Austin, Texas,
May 3, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Water and Conservation, to which was referred S. B. No. 543, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PARKHOUSE, Chairman.

Senator Ratliff submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities, and Towns, to which was referred H. B. No. 629, have had the

same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 546, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 817, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 930, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1027, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 932, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1003, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Moore submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 1095, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 647, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Edu-

cation, to which was referred H. B. No. 716, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 675, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 821, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 852, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

MOORE, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred S. B. No. 544, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Education, to which was referred H. B. No. 864, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Creighton submitted the following report:

Austin, Texas,
May 4, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to which was referred H. B. No. 774, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

House Bill 647 Ordered Not Printed

On motion of Senator Ratliff and by unanimous consent H. B. No. 647 was ordered not printed.

Senate Bill 546 on First Reading

Senator Hardeman moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Hardeman:

S. B. No. 546, A bill to be entitled "An Act to transfer Four Million Five Hundred Thousand Dollars (\$4,500,000) from the 'Operator's and Chauffeur's License Fund' to the General Revenue Fund; and declaring an emergency."

To the Committee on Finance.

Senate Concurrent Resolution 86

Senator Parkhouse offered the following resolution:

S. C. R. No. 86, Commending the Hedgecock Artificial Limb Company for the advances they have made in the design and quality of artificial limbs.

Whereas, America has made countless strides forward in the few hundred years of its existence, and among those that provide the greatest satisfaction are the considerable advances made in the design and quality of artificial limbs for handicapped children and adults; and

Whereas, The major impetus behind these advances began in Fort Worth, Texas, on a day in March of 1903 when David E. Hedgecock, a young railroad employee, met with a terrible accident that cost him his left leg below the hip joint and caused several other injuries confining him to bed and a wheel chair for 18 months; and

Whereas, As a result of his injuries, he experienced personally the serious deficiencies in physical rehabilitation caused by the awkward methods, inferior materials, and lack of practical knowledge in the production of artificial limbs; and

Whereas, David Hedgecock conquered his disability, educated himself, and returned to work in the railroad freight office in Fort Worth, but the memory of his trying years remained foremost in his mind, and in 1910 he quit his job with the railroad and opened his first artificial limb and brace factory, the forerunner of the Hedgecock Artificial Limb Company which is now in its 55th year of service to the people of this state and nation; and

Whereas, Motivated by his desire to spare others from the suffering he encountered, he entered the business with the sincerity of purpose and diligence that characterized his entire life, and he gathered men interested in rehabilitation, providing them with the best equipment and

materials available through the years; and

Whereas, The Company has always stressed quality of workmanship, and in addition to that Mr. Hedgecock took a personal interest in the achievements of each person who came to him for help; and

Whereas, He took an unfaltering interest in publicizing the goals of physical and vocational rehabilitation, and his greatest reward was seeing a handicapped person find a satisfying career and acceptance by his fellowmen in spite of his disabilities; and

Whereas, After David Hedgecock's death in 1940, his widow, Mrs. D. E. Hedgecock, took over the operation of the company and remains at its head today, maintaining its tradition of fine workmanship and an undying interest in the success and comfort of the handicapped; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, that the Legislature extend its sincere congratulations to the Hedgecock family for the many advances they have made through the Hedgecock Artificial Limb Company, and express its deepest gratitude for the life and contributions of Mr. David E. Hedgecock, founder of the company; and be it further

Resolved, That a copy of this Resolution be forwarded to Mrs. D. E. Hedgecock as a token of the regard and respect of the Fifty-ninth Legislature for the contributions she and her husband have made to the cause of rehabilitating the handicapped so that they lead useful and happy lives.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted.

Senate Concurrent Resolution 87

Senator Calhoun offered the following resolution:

S. C. R. No. 87, Granting permission to John Horn, Sr., to bring suit against the State of Texas.

Whereas, John Horn, Sr., alleges that the State of Texas has caused extensive and severe damage to real and personal property owned by him, which was inflicted by water resulting from the break in the dam at

Tyler State Park near Tyler, Smith County, Texas, during the month of September, 1963; and

Whereas, The property allegedly damaged is located in Smith County, Texas, and is owned by John Horn, Sr., whose address is 4703 Bluff View Blvd., Dallas, Texas, said property was severely damaged by water, sand and debris, rendering the pasture land unfit for grazing of cattle; and

Whereas, John Horn, Sr., desires to institute suit against the State of Texas and the Parks and Wildlife Department in order to determine what damages, if any, or other relief he is entitled to recover; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, (a) That John Horn, Sr., be granted and he is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction; (b) That in the event such suit is filed, service of citation or any other necessary process shall be had upon the Attorney General of the State of Texas and members of the Parks and Wildlife Department; and (c) That such case shall be tried as other civil cases reserving to either party the right of appeal; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other cases; and, be it further

Resolved, (a) That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by, or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but (b) That all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 88

Senator Calhoun offered the following resolution:

S. C. R. No. 88, Granting permis-

sion to Carroll L. Thompson to bring suit against the State of Texas.

Whereas, Carroll L. Thompson, alleges that the State of Texas has caused extensive and severe damage to real and personal property owned by him, which was inflicted by water resulting from the break in the dam at Tyler State Park near Tyler, Smith County, Texas, during the month of September, 1963; and

Whereas, The property allegedly damaged is located in Smith County, Texas, and consists of approximately 12 acres of land owned by Carroll L. Thompson, whose address is Route 9, Box 387B, Tyler, Texas, said property was severely damaged by water and sand, rendering the pasture land unfit for grazing of cattle; and

Whereas, Carroll L. Thompson desires to institute suit against the State of Texas and the Parks and Wildlife Department in order to determine what damages, if any, or other relief he is entitled to recover; now, therefore, be it.

Resolved by the Senate of the State of Texas, the House of Representatives concurring, (a) That Carroll L. Thompson be granted and he is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction; (b) That in the event such suit is filed, service of citation or any other necessary process shall be had upon the Attorney General of the State of Texas and members of the Parks and Wildlife Department; and (c) That such case shall be tried as other civil cases reserving to either party the right of appeal; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other cases; and, be it further

Resolved, (a) That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by, or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but (b) That all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 89

Senator Calhoun offered the following resolution:

S. C. R. No. 89, Granting permission to E. P. Jones to bring suit against the State of Texas.

Whereas, E. P. Jones alleges that the State of Texas has caused extensive and severe damage to real and personal property owned by him, which was inflicted by water resulting from the break in the dam at Tyler State Park near Tyler, Smith County, Texas, during the month of September, 1963; and

Whereas, The property allegedly damaged is located in Smith County, Texas, and consists of approximately 48 acres of land owned by E. P. Jones, whose address is Route 3, Box 191, Lindale, Texas, said property was severely damaged by water, rendering pasture land unfit for grazing of cattle, damaging land for farm purposes, and destroying approximately one mile of fencing; and

Whereas, E. P. Jones desires to institute suit against the State of Texas and the Parks and Wildlife Department in order to determine what damages, if any, or other relief he is entitled to recover; now therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, (a) That E. P. Jones be granted and he is hereby granted permission to bring suit against the State of Texas in any Court of competent jurisdiction; (b) That in the event such suit is filed, service of citation or any other necessary process shall be had upon the Attorney General of the State of Texas and members of the Parks and Wildlife Department; and (c) That such case shall be tried as other civil cases reserving to either party the right of appeal; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same

laws as apply in, and govern the trial of, other cases; and, be it further

Resolved, (a) That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by, or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but (b) That all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 90

Senator Calhoun offered the following resolution:

S. C. R. No. 90, Granting permission to Dewey Hitt to bring suit against the State of Texas.

Whereas, Dewey Hitt alleges that the State of Texas has caused extensive and severe damage to real and personal property owned by him, which was inflicted by water resulting from the break in the dam at Tyler State Park near Tyler, Smith County, Texas, during the month of September, 1963; and

Whereas, The property allegedly damaged is located in Smith County, Texas, and consists of approximately 100 acres of land owned by Dewey Hitt, whose address is 1515 East Elm Street, Tyler, Texas, said property was severely damaged by water, rendering pasture land unfit for grazing of cattle due to debris, silt and sand, his fences were destroyed and he was forced to sell his entire herd of cattle due to this damage; and

Whereas, Dewey Hitt desires to institute suit against the State of Texas and the Parks and Wildlife Department in order to determine what damages, if any, or other relief he is entitled to recover; now, therefore, be it

Resolved By the Senate of the State of Texas, the House of Representatives concurring, (a) That Dewey Hitt, be granted and he is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction; (b) That in the event such suit is filed, service of citation or any other necessary process shall be had upon the Attorney General of the State of

Texas and members of the Parks and Wildlife Department; and (c) That such case shall be tried as other civil cases reserving to either party the right of appeal; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other cases; and, be it further

Resolved, (a) That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by, or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but (b) That all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 91

Senator Calhoun offered the following resolution:

S. C. R. No. 91, Granting permission to Joe B. Cameron to bring suit against the State of Texas.

Whereas, Joe B. Cameron alleges that the State of Texas has caused extensive and severe damage to real and personal property owned by him, which was inflicted by water resulting from the break in the dam at Tyler State Park near Tyler, Smith County, Texas, during the month of September, 1963; and

Whereas, The property allegedly damaged is located in Smith County, Texas, and consists of approximately 120 acres of land owned by Joe B. Cameron, whose address is Route 3, Box 78-A, Lindale, Texas, said property was severely damaged by water, rendering pasture land unfit for grazing of cattle due to silt and sand coating the grass, fences were destroyed and many cattle were lost; and

Whereas, Joe B. Cameron desires to institute suit against the State of Texas and the Parks and Wildlife

Department in order to determine what damages, if any, or other relief he is entitled to recover; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, (a) That Joe B. Cameron be granted and he is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction; (b) That in the event such suit is filed, service of citation or any other necessary process shall be had upon the Attorney General of the State of Texas and members of the Parks and Wildlife Department; and (c) That such case shall be tried as other civil cases reserving to either party the right of appeal; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other cases; and, be it further

Resolved, (a) That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by, or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but (b) That all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills.

S. B. No. 47, A bill to be entitled "An Act providing an exemption from the motor vehicle retail sales and use tax for certain sales and uses; adding Article 6.09 to Chapter 6, Title 122A, Taxation — General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

S. B. No. 172, A bill to be entitled "An Act to grant and convey to the City of Waco the bed, banks and islands in the Brazos River and that part of the Bosque River downstream from the Waco Dam which is within the city limits of the City of Waco; fixing the consideration for the grant; reserving all of the oil, gas and sulphur therein to the state; providing an effective date; providing a severability clause; repealing laws in conflict; and declaring an emergency."

Senate Resolution 555

The President laid before the Senate as Unfinished Business S. R. No. 555 (The resolution having been read the second time on Wednesday, April 28, 1965).

Question—Shall S. R. No. 555 be adopted?

The resolution was then adopted.

Senate Joint Resolution 48 on First Reading

Senator Crump moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a resolution, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The following resolution was then introduced, read first time and referred to the committee indicated:

By Senators Crump and Watson:

S. J. R. No. 48, Proposing an amendment to Section 28, Article III, Constitution of the State of Texas,

relating to the time the legislature must redistrict senatorial and representative districts.

To the Committee on Constitutional Amendments.

Senate Resolution 612

Senator Colson offered the following resolution:

Whereas, Our esteemed colleague, the Honorable Jack Hightower, and his charming wife, Colleen, are the fortunate parents of a lovely daughter, Amy Hightower, born September 21, 1956; and

Whereas, This young lady has been a constant source of joy and pride to her parents, as well as their many friends; and

Whereas, The Members of the Senate desire to proclaim their love and admiration for this darling little miss by bestowing honor and recognition upon her; now, therefore, be it

Resolved, That Amy Hightower be designated as Sweetheart of the Senate of the Fifty-ninth Legislature; and, be it further

Resolved, That her picture be placed in the picture panel with the Members of the Senate of the Fifty-ninth Legislature; and, be it further

Resolved, That official copies of this resolution be sent to Amy and to her parents; and that the Senate go on record as extending to her its best wishes for good health, happiness, and success throughout life.

COLSON

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Krueger, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Dies and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted.

Conference Committee Report on House Bill 594

Senator Ratliff submitted the fol-

lowing Conference Committee Report on H. B. No. 594:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Hon. Ben Barnes, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 594, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

RATLIFF
DIES
HARDEMAN
PARKHOUSE
CRUMP

On the part of the Senate.

BROWN
JONES
of Lubbock
JONES
of Abilene
JUNGMICHEL
BONILLA

On the part of the House.

H. B. No. 594:

**A BILL
TO BE ENTITLED**

AN ACT relating to the compensation and expenses of the official shorthand reporter of the 42nd Judicial District and of the 104th Judicial District; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. (a) The judge of the 42nd Judicial District Court shall fix the total annual salary of the official shorthand reporter of the 42nd Judicial District at not less than \$5,000 nor more than \$8,400. The allowance for actual and necessary expenses received by the official shorthand court reporter of the 42nd Judicial District may not exceed \$400 a year.

(b) The judge of the 104th Judicial District Court shall fix the total annual salary of the official shorthand reporter of the 104th Judicial District at not less than \$5,000 nor more than \$8,400. The allowance for actual and necessary expenses received by the

official shorthand court reporter of the 104th Judicial District may not exceed \$400 a year.

(c) In all other respects the compensation and expense allowance of the official shorthand reporter is governed by general law.

Sec. 2. The importance of this legislation and the crowded condition of the calendar in both houses creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

The Conference Committee Report was read and was adopted.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 785, to Committee on Oil and Gas.

H. B. No. 258, to Committee on Privileges and Elections.

H. B. No. 20, to Committee on Counties, Cities and Towns.

House Bill 371 Re-referred

On motion of Senator Bates and by unanimous consent H. B. No. 371 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

House Bill 450 Re-referred

On motion of Senator Word and by unanimous consent H. B. No. 450 was withdrawn from the Committee on Jurisprudence and re-referred to the Committee on Counties, Cities and Towns.

**House Concurrent Resolution 111 on
Second Reading**

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 111, Suspending Joint Rules so that either House may take up and consider H. B. No. 67 at any time.

The resolution was read.

On motion of Senator Krueger and by unanimous consent the resolution was considered immediately and was adopted.

House Bill 188 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 188, A bill to be entitled "An Act relating to the operation of vending stands and vending machines on state property by blind persons; etc., and declaring an emergency."

The bill was read second time.

Senator Cole offered the following Committee Amendment to the bill:

Amend Section 12 of H. B. No. 188 by striking all after the comma after the word "education," and inserting in lieu thereof: "or property over which control in either wholly or in part maintained by the federal government."

The Committee Amendment was read and was adopted.

Senator Cole offered the following Committee Amendment to the bill:

Amend H. B. No. 188 by adding a new paragraph immediately following section 12 (c) as follows:

"(d) None of the provisions of this Act shall apply to vending facilities operated by an institution under the control and management of the Board for Texas State Hospitals and Special Schools or its successor in function so long as such vending facility is operated for the benefit of the patients of the institutions without profit."

The Committee Amendment was read and was adopted.

On motion of Senator Cole and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 188 on Third Reading

Senator Cole moved that Senate

Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 188 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and passed.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 5, 1965.

Hon Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 110, In memory of Lieutenant General Kearie L. Berry.

H. B. No. 243, A bill to be entitled "An Act amending Article 2792 of the Revised Civil Statutes of Texas, 1925, as amended, changing the amount received for assessing and collecting taxes for independent school districts; amending Article 2795 of the Revised Civil Statutes of Texas, 1925, so as to change the amount received for assessing and collecting taxes for common school districts; providing the severability clause; and declaring an emergency."

H. J. R. No. 65, Proposing an Amendment to Section 3-b of Article VII of the Constitution of Texas providing that school taxes theretofore voted in any independent school dis-

strict or in any junior college district shall not be abrogated, cancelled or invalidated by a change in boundaries nor shall bonds voted, but unissued, at the time of such change, be invalidated by such change; authorizing the levy of taxes after such change without further election in the district as changed; providing an exception in the case of whole districts; providing for an election and the issuance of a proclamation therefor.

H. J. R. No. 66, Proposing an Amendment to the Constitution of the State of Texas, amending Subsection (1) of Section 51a of Article III, providing that the Legislature shall have the power to provide assistance to needy persons over the ages of sixty-five (65) years who are citizens of the United States and to needy persons over the age of sixty-five (65) years who are not citizens of the United States but who have resided within the boundaries of the United States for at least twenty-five (25) years immediately preceeding application for such assistance; providing that no such assistance shall be paid to any inmate of any state-supported institution; providing that the Legislature shall prescribe the state residence requirements for eligibility; providing that the maximum amount paid out of state funds to any individual recipient shall not exceed the amount that is matchable out of federal funds; providing that the total amount of such assistance payments out of state funds on behalf of such recipients shall not exceed the amount that it matchable out of federal funds; and providing that such assistance shall not be granted to any non-citizen who has been convicted of subversive action against the United States; providing for the necessary election, form of ballot, proclamation, and publication."

H. J. R. No. 69, Proposing an amendment to the Constitution of the State by adding a new section, Section 63 to Article III; authorizing the Legislature to provide by statute for the accomplishment of governmental functions within any county having one million two hundred thousand (1,200,000) or more inhabitants by the consolidation of the functions of government or by contact between any political subdivision(s) located within the county and any other political subdivision(s) located within

the county or with the county; providing for an election and the issuance of a proclamation therefor.

Respectfully submitted,

DOROTHY HALLMAN,
Chief Clerk House of Representatives

House Bill 124 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 124, A bill to be entitled "An Act defining and prohibiting debt pooling; declaring debt pooling contracts to be void; providing exceptions; prescribing a penalty for violation; providing a severability clause; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 124 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 124 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 102 on Second Reading

On motion of Senator Cole and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 102, A bill to be entitled "An Act transferring the supervision of the Historical State Battlegrounds, of San Jacinto Battleground and Fannin State Battleground now under the advice and consent of the State Board of Control, under the control and custody of the Parks and Wildlife Commission, under the authority conferred upon the Parks and Wildlife Department by existing laws; etc., and declaring an emergency."

The bill was read second time.

Senator Krueger offered the following amendment to the bill:

Amend House Bill 102 by adding, after Section 6 of the bill, a new section to read as follows, and renumbering the succeeding sections:

"Sec. 7. The provisions of this Act do not in any way alter the organization nor reduce the powers or functions of the Battleship Texas Commission."

The amendment was read and was adopted.

Senator Krueger offered the following amendment to the bill:

Amend the last sentence of Section 3, House Bill No. 102, as engrossed, to read as follows:

"One or more of the three (3) members may, in the discretion of the Governor, be selected from the patriotic organization known as the San Jacinto Chapter, Daughters of the Republic of Texas."

The amendment was read and was adopted.

Senator Patman offered the following amendment to the bill:

Amend House Bill No. 102 by adding a new section after Section 4 of the bill (renumbering the following sections) to read as follows:

Sec. 5. (a) The persons who, immediately before the effective date of this Act, were serving as Fannin State Park Commissioners shall, on

the effective date of this Act, be the Fannin State Park Advisory Commissioners. The terms of office of the first Fannin State Park Advisory Commissioners expire on the day their terms would have expired had they remained Fannin State Park Commissioners. The Governor shall appoint the successors to the Fannin State Park Advisory Commissioners for six-year terms of office.

(b) The Fannin State Park Advisory Commission has, for the Fannin State Park, the same powers and functions that the San Jacinto Historical Advisory Board has for the San Jacinto Battleground.

The amendment was read and was adopted.

On motion of Senator Cole and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 102 on Third Reading

Senator Cole moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 102 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 78, Resolving that the Coordinating Board, Texas College and University System, be authorized to establish vocational and vocational-technical courses for the training of handicapped persons.

S. C. R. No. 83, Commending Dr. Charles Whitfield Castner, Jr.

S. J. R. No. 26, Proposing an amendment to Sections 4 and 5 of Article V of the Constitution of the State of Texas to provide for a Court of Criminal Appeals of five members; prescribing their qualifications; etc.

H. C. R. No. 112, Directing Enrolling Clerk to make certain corrections in H. B. No. 567.

H. C. R. No. 113, Granting permission to take up and consider at anytime H. B. No. 1144.

The House has concurred in Senate amendments to House Bill No. 301 by vote of 140 ayes and 0 noes.

The House has concurred in Senate amendments to House Bill No. 567 by vote of 142 ayes, 1 noes.

The House has concurred in Senate amendments to House Bill No. 652 by vote of 138 ayes and 1 noes.

The House has concurred in Senate amendments to House Bill No. 471 by vote of 145 ayes and 0 noes.

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk House of Representatives

Reports of Standing Committees

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 371, have had the same under consideration, and I am

instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 394, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 20, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 784, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Colson by unanimous consent submitted the following report:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Public Health, to which was referred H. B. No. 392, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

COLSON, Chairman.

House Bill 371 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 371 was ordered not printed.

House Bill 20 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 20 was ordered not printed.

House Bill 817 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 817 was ordered not printed.

Senate Resolution 620

Senator Herring offered the following resolution:

BE IT RESOLVED by the Senate, That the Enrolling Clerk be and is hereby directed to make the following attached technical changes, all of which are of non-substantive nature, in S. B. No. 405:

Amend the pending Dies amendment Section 2, Subsection (3) by placing a comma following the words "services" where it last appears in the first paragraph in subsection (3) and adding following "including optometric services."

Amend the pending Dies amendment by adding at the end of Sec. 1 and new section to be numbered Sec. 1a to read as follows:

"Sec. 1a. Senate Bill No. 79, Chapter 380, page 858, General and Special Laws of Texas, 57th Legislature, Regular Session, 1961, as amended, which is codified as Article 695j, Vernon's Texas Civil Statutes, is hereby amended by adding the following sentence to sub-paragraph (i) of Section 1 of said Act, which sentence shall read as follows: "The term 'optometrist' means a person licensed by the Texas State Board of Examiners in Optometry."

Amend pending Dies Amendment by adding a new Section after Sec. 2 to be numbered Sec. 2a to read as follows:

"Sec. 2a. Senate Bill No. 79, Chapter 380, Page 858, General and Special Laws of the State of Texas, Fifty-seventh Legislature, Regular Session, 1961, as amended, which is codified as Article 695j, Vernon's Texas Civil Statutes, is hereby amended by adding a new Sub-section (4) to Section 3 of said Article which shall hereafter read as follows:

"(4) Who is certified by the optometrist or physician of the recipient's own choice as having a defect, de-

ficiency, anomaly or abnormal condition of vision or visual performance which needs to be remedied or corrected by conventional or special vision aids and that the defect, deficiency, anomaly or abnormal condition is such that the absence of such remedy or correction would adversely affect his efficiency, health, safety or welfare or the safety or welfare of others."

The resolution was read and was adopted.

House Bill 423 on Second Reading

On motion of Senator Crump and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 423, A bill to be entitled "An Act to amend Chapter 342 (page 844) Acts of the 53rd Legislature, Regular Session, 1953, compiled as Vernon's Civil Statutes, Article 7465a, by amending Section 17 so as to provide for the Attorney General or District or County Attorney to institute injunction proceedings to enforce the provisions of the Veterinary Licensing Act; establishing venue in such injunction proceedings; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 423 on Third Reading

Senator Crump moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 423 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Herring
Bates	Hightower
Blanchard	Kazen
Calhoun	Kennard
Cole	Krueger
Colson	Moore
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Hall	Reagan
Hardeman	Richter
Harrington	Rogers
Hazlewood	Schwartz

Snelson
Spears
Strong

Watson
Word

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill 784 Ordered Not Printed

On motion of Senator Colson and by unanimous consent H. B. No. 784 was ordered not printed.

Motion to Place House Bill 82 on Second Reading

Senator Krueger asked unanimous consent to suspend the regular order of business and take up H. B. No. 82 for consideration at this time.

There was objection.

Senator Krueger then moved to suspend the regular order of business and take up H. B. No. 82 for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the Members present):

Yeas—16

Bates	Ratliff
Cole	Reagan
Colson	Richter
Harrington	Schwartz
Kazen	Snelson
Kennard	Spears
Krueger	Strong
Patman	Watson

Nays—15

Aikin	Hazlewood
Blanchard	Herring
Calhoun	Hightower
Creighton	Moore
Crump	Parkhouse
Dies	Rogers
Hall	Word
Hardeman	

Senate Bill 547 on First Reading

Senator Crump moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Crump, Moore, Hardeman, Reagan and Cole:

S. B. No. 547, A bill to be entitled "An Act reapportioning the Senate of the State of Texas; providing for filing fees for senators; amending Section 4, Chapter 256, Acts of the 57th Legislature, Regular Session, 1961, and Article 193, Texas Election Code, as amended; repealing Section 5, Chapter 256, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

Reports of Standing Committees

Senator Moore by unanimous consent submitted the following report:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Education, to which was referred H. B. No. 822, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOORE, Chairman.

Senator Creighton by unanimous consent submitted the following report:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate:

Sir: We, your Committee on Game

and Fish, to which was referred H. B. No. 442, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senate Bill 548 on First Reading

Senator Schwartz moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The following bill was then introduced, read first time and referred to the committee indicated:

By Senators Schwartz, Harrington, Herring, Cole, Bates, Richter, Watson, Hall, Spears, Kennard, Kazen and Strong:

S. B. No. 548, A bill to be entitled "An Act changing the name of the Richmond State School to the "John F. Kennedy Memorial School"; and declaring an emergency."

To the Committee on State Departments and Institutions.

House Bill 77 on Second Reading

Senator Hall asked unanimous consent to suspend the regular order of business and take up H. B. No. 77 for consideration at this time.

There was objection.

Senator Hall then moved to suspend the regular order of business and take

up H. B. No. 77 for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Watson
Hightower	Word
Kazen	

Nays—3

Dies	Strong
Patman	

Absent

Crump

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 77, A bill to be entitled "An Act relating to regulating the business conduct of persons drilling water wells; placing the duty and expense of plugging water wells on the owner of the well or on the person having the well drilled; repealing Chapter 458, Acts of the 57th Legislature, Regular Session, 1961; and declaring an emergency."

The bill was read second time.

Senator Word offered the following amendment to the bill:

Strike Subsection (i) of Section 2 and substitute the following:

(i) "Water Well Drillers Board" shall mean an examining board consisting of nine (9) members, three of whom shall be ex officio nonvoting members and six of whom shall be voting members appointed by the Governor with the advice and consent of the Senate as hereinafter provided.

The amendment was read and was adopted.

Senator Word offered the following amendment to the bill:

Strike Section 6 and substitute the following:

Sec. 6. Water Well Drillers Board.

The Water Well Drillers Board shall be composed of nine (9) members, three ex officio and six appointed as follows, to wit:

(a) One (1) member of the Board shall be chairman of the Texas Water Commission or a representative from his staff appointed by him who shall be a nonvoting member and shall serve in an advisory capacity only. In the event that the functions of the Texas Water Commission are transferred to the Texas Water Development Board, then the member appointed hereby shall be the Executive Director of the Texas Water Development Board or a representative from his staff appointed by him.

(b) One (1) member shall be the Executive Secretary of the State Water Pollution Control Board or a representative from his staff appointed by him and shall also be a nonvoting member and shall serve in advisory capacity only.

(c) One (1) member shall be the chairman of the State Board of Health or a representative from his staff appointed by him and shall also be a nonvoting member and shall serve in an advisory capacity only.

(d) Six (6) members shall be water well drillers appointed by the Governor with the advice and consent of the Senate, under the following conditions, to wit:

(1) Each such driller shall be a citizen of the State of Texas.

(2) Each such driller shall have a minimum of ten years' experience in the water well drilling business prior to his appointment.

(3) Each such driller shall be conversant in water well drilling, completion and plugging methods and techniques.

(4) Each such driller shall be a registered water well driller.

(5) One driller shall be selected from the State at large and one of each such drillers shall be selected from the following geographic areas of the State of Texas:

- A. Gulf Coast Area.
- B. Trans-Pecos Area.
- C. Central Texas Area.
- D. North-East Texas Area.
- E. Panhandle-South Plains Area.

(e) It is further provided that no more than one (1) Board member may be employed by or own an interest in

the same company, firm or business association which is engaged in any phase of the water well drilling business.

(f) The first six (6) Board members shall be appointed for the following terms: two (2) for two (2) years; two (2) for four (4) years; and two (2) for six (6) years.

(g) All terms shall expire on September 15 and all regular appointments shall be for terms of six (6) years.

(h) The initial appointments of the six (6) members shall be made immediately following the effective date of this Act.

(i) The six (6) appointed Board members shall receive compensation and travel allowance as the Legislature may provide in the General Appropriation Act.

(j) The Board shall hold a regular annual meeting; it may hold special meetings at the call of the chairman or at the request of three Board members.

(k) A majority of the Board is a quorum for conducting business.

(l) The Board shall elect a chairman, who shall be presiding officer, and who shall not vote except when there shall be a tie vote, by majority vote at the first regular meeting each year.

(m) The Board shall prepare and grade examinations and pass upon qualifications of applicants for licenses and cause to be issued licenses to those who qualify.

(n) The Board shall design written examinations in such a manner as to disqualify any person lacking in the necessary knowledge of drilling, completion and plugging methods and techniques and of ground water formations to the extent that the performance by such person of services as a water driller would create a serious risk of polluting fresh water. Provided, however, that each applicant shall have the right to have such examination given him orally, in lieu of in writing.

(o) A person who passes the examination given by the Board is entitled to be licensed under this Act.

(p) Administration of examination:

(1) The Commission shall offer examinations prepared by the Board at least once a year and more frequently if more than 10 persons petition the Commission for an additional examination, or the Board should so provide

(2) The examination shall be so ad-

ministered so that the one who grades an examination does not know whose paper he is grading.

(3) The Commission shall maintain files of examination papers. A person, at any time within six months of the date that he is notified of the results of an examination, is entitled to inspect his examination paper during normal business hours at the Commission's office for the purpose of challenging the propriety of the questions, the method of grading, and the accuracy of grading.

(4) All successful applicants who pass the examination may pay the \$25.00 registration fee to the Commission and obtain a drillers registration certificate.

(q) The person who fails an examination may apply for a subsequent examination, but must pay the application fee each time he applies. He may not, however, be counted among the ten (10) applicants necessary to petition for an additional examination.

The amendment was read and was adopted.

Senator Watson offered the following amendment to the bill:

Amend House Bill 77 by striking Section 7 and substituting in lieu thereof the following:

Section 7. Rules and Regulations.

(a) The Water Well Drillers Board shall constitute an Examining Board which shall certify applicants eligible for registration to the Commission and, under certain conditions set out below, suspend or revoke the license of a registered water well driller. The Board shall promulgate and adopt procedural rules describing how a person applies for and takes an examination under this Act and the procedure to be followed in public hearings pursuant to the provisions of this Act. It shall also promulgate and adopt substantive rules defining standards of conduct governing registered water well drillers. The Board shall promulgate regulations necessary to implement the vehicle and equipment marking requirements of Section 14 of this Act. Be it further provided, however, that before the Board may adopt any substantive rule under this Act, it must mail a copy of the proposed rule or amendment together with an informative summary of the rule or amendment to each person licensed under this Act at least twenty (20) days prior to the proposed effective date of such a

proposed rule. The procedural rules adopted by the Board shall be filed with the Secretary of State and shall become effective thirty (30) days thereafter.

(b) Full authority is given to the Board to enforce by injunction or other appropriate remedy, in courts of competent jurisdiction, any and all reasonable rules, regulations, decisions, determinations and orders promulgated by it which do not conflict with any law. It shall be the duty of the Attorney General to represent the Board when requested to do so.

The amendment was read and was adopted.

Senator Watson offered the following amendment to the bill:

Amend House Bill 77 by striking Section 8 and substituting in lieu thereof the following:

Sec. 8. Revocation of Certificates of Registration.

(a) The certificate of registration of any registered water well driller who violates any provision of this Act or any substantive rule or regulation of the Board promulgated under the authority of this Act may be revoked or suspended by the Board. Grounds for revocation or suspension of a driller's certificate shall include intentional misstatement or misrepresentation of fact on an application or well log; failure to keep and transmit water well logs as provided herein; failure to advise a person for whom a well is being drilled that injurious water has been encountered, is a pollution hazard, and must be forthwith plugged in an acceptable manner; or being found to be an incompetent water well driller.

(b) The Board shall, before suspending or revoking any certificate of registration, notify the holder in writing of any changes made in order to afford such holder an opportunity to be heard, which notification shall be given at least ten (10) days prior to the date set for hearing, and which shall prescribe the time and place of the hearing. Such written notice may be served by mailing same by registered mail to the last known business address of such person. At such hearing such person and all persons complaining against him, as well as any other witness whose testimony is relied upon to substantiate the charges made, shall be entitled to be present. He shall also be entitled to present evidence, oral and

written as may be relevant to the inquiry. In such hearing all witnesses shall be duly sworn and a record of the proceedings shall be taken. Any party to the proceedings desiring it shall be furnished with a copy of the record upon the payment to the Board of a fee not to exceed fifty cents (\$.50) per page.

(c) Every decision and order in a revocation or suspension hearing rendered by the Board shall be in writing and shall set forth briefly the findings of fact and Board's conclusions. Parties to the proceedings shall be notified of the decision or order in person or by mail and forwarded a copy of same; such orders or decisions shall be transmitted no later than thirty (30) days of conclusion of the hearing.

The amendment was read and was adopted.

On motion of Senator Hardeman and by unanimous consent the vote by which Amendment No. 3 to H. B. No. 77 by Senator Watson was reconsidered.

Question—Shall Amendment No. 3 by Senator Watson to H. B. No. 77 be adopted?

Senator Hardeman offered the following amendment to the pending amendment by Senator Watson:

Amend H. B. No. 77, Sec. 7 by adding (c) to Watson amendment by striking out the last sentence therein and inserting in lieu the following:

"All rules and regulations proposed to be adopted and promulgated by the Board shall be approved in writing by the Attorney General and placed on file in the office of the Secretary of State for public inspection for at least 30 days prior to their effective date. Any changes, alterations or revocations of such rules and regulations shall be likewise approved in writing by the Attorney General and which changes, alterations and revocations shall be filed in the office of Secretary of State prior to their effective date.

The amendment to the pending amendment was read and was adopted.

The amendment by Senator Watson to H. B. No. 77 as amended was again adopted.

Senator Watson offered the following amendment to the bill:

Amend House Bill No. 77 by adding a new subsection (d) to Section 10 as follows:

(d) Full authority is given the Commission to enforce by injunction or other appropriate remedy, in courts of competent jurisdiction, any and all rules, regulations, decisions, determinations and orders promulgated by it which do not conflict with any law.

The amendment was read and was adopted.

Senator Watson offered the following amendment to the bill:

Amend H. B. No. 77 by striking out Section 17 and re-number the subsequent sections.

The amendment was read and was adopted.

On motion of Senator Hall and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

Record of Votes

Senators Dies, Strong, and Patman asked to be recorded as voting "Nay" on the passage of H. B. No. 77 to third reading.

House Bill 77 on Third Reading

Senator Hall moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 77 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Herring
Bates	Hightower
Blanchard	Kazen
Calhoun	Krueger
Cole	Moore
Colson	Parkhouse
Creighton	Ratliff
Hall	Reagan
Harrington	Richter
Hazlewood	Rogers

Schwartz
Snelson

Watson
Word

Nays—5

Dies
Hardeman
Patman

Spears
Strong

Absent

Crump

Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Dies, Colson, Patman, Strong and Alkin asked to be recorded as voting "Nay" on the final passage of H. B. No. 77.

Reports of Standing Committees

Senator Dies by unanimous consent submitted the following report:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to which was referred H. B. No. 1078, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

DIES, Chairman.

Senator Watson by unanimous consent submitted the following report:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions, to which was referred S. B. No. 548, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WATSON, Chairman.

House Bill 394 Ordered Not Printed

On motion of Senator Dies and by unanimous consent H. B. No. 394 was ordered not printed.

House Concurrent Resolution 112 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 113, Granting permission to take up and consider at any time H. B. No. 1144.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

House Concurrent Resolution 112 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 112, Directing the Enrolling Clerk of the House to make certain corrections in H. B. No. 567.

The resolution was read.

On motion of Senator Ratliff and by unanimous consent the resolution was considered immediately and was adopted.

House Bill 1078 Ordered Not Printed

On motion of Senator Bates and by unanimous consent H. B. No. 1078 was ordered not printed.

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 24, Granting permission to Waples-Platter Company to sue the State of Texas.

H. C. R. No. 42, Authorizing the Board of Regents of the University of Texas to accept grants for certain purposes.

H. B. No. 401, A bill to be entitled "An Act relating to the power of certain cities to codify and adopt a civil and criminal code of ordinances: amending Section 1, Chapter 168, General Laws, Acts of the 44th Legislature, Regular Session, 1935, as amended; and declaring an emergency."

H. B. No. 541, A bill to be entitled

"An Act relating to enforcement of the law prohibiting shooting on public roads; amending Section 1, Chapter 3, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929; and declaring an emergency."

H. B. No. 623, A bill to be entitled "An Act conferring on the Parks and Wildlife Commission regulatory responsibility over the taking of wildlife resources in Aransas County, establishing a net-free zone; and declaring an emergency."

H. B. No. 624, A bill to be entitled "An Act authorizing the Commissioners Courts of Dallam, Deaf Smith, Hartley, Moore, Oldham and Sherman Counties to supplement the salary of the District Judge of the 69th Judicial District of Texas; authorizing the Commissioners Courts of Hansford, Hutchinson and Ochiltree Counties to supplement the salary of the District Judge of the 84th Judicial District of Texas; and declaring an emergency."

H. B. No. 159, A bill to be entitled "An Act amending Section 1, of Chapter 513, Acts of the Fifty-first Legislature, Regular Session, 1949, as amended by Section 1 of Chapter 122, Acts of the Fifty-third Legislature, Regular Session, 1953, (compiled as Article 1113a of Vernon's Texas Civil Statutes) to provide that all incorporated cities, towns, and villages of the State of Texas may transfer to the general fund thereof revenues of any municipally owned utility system, etc., and declaring an emergency."

H. B. No. 1040, A bill to be entitled "An Act authorizing the Board of Directors of Texas Technological College to enter into an agreement with Southwestern Public Service Company, granting to Southwestern Public Service Company permission to install, maintain and operate an underground electrical transmission line across the campus of said college upon terms and conditions satisfactory to said Board of Directors, together with rights of ingress and egress to the extent reasonably necessary for such purposes, and authorizing said Board of Directors to require necessary and proper covenants and undertakings on the part of said Southwestern Public Service Company; and declaring an emergency."

H. B. No. 1075, A bill to be entitled "An Act authorizing the creation of a hospital district with boundaries co-terminous with the boundaries of the Stamford County-Line Independent School District of Jones and Haskell Counties, Texas, as fixed on the effective date of this Act; etc.; and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act repealing Chapter 335, Acts of the 58th Legislature, Regular Session, 1963, dealing with the creation of Bowie County Road District No. 1-A; and declaring an emergency."

H. B. No. 415, A bill to be entitled "An act providing the mode of election of trustees of independent school districts in certain counties; and declaring an emergency."

H. B. No. 725, A bill to be entitled "An Act relating to the date for election of trustees; and declaring an emergency."

H. B. No. 865, A bill to be entitled "An Act validating certain actions of the Upper Guadalupe River Authority; and declaring an emergency."

H. B. No. 513, A bill to be entitled "An Act authorizing counties having a population in excess of 900,000 according to the most recent Federal census to construct, enlarge, furnish, equip and operate a parking station in the vicinity of the courthouse; etc.; and declaring an emergency."

H. B. No. 232, A bill to be entitled "An Act changing the name of soil conservation districts and of the State Soil Conservation Board; and declaring an emergency."

H. B. No. 116, A bill to be entitled "An Act relating to the creation, organization, powers, and duties of an underground water conservation district located in Atascosa and Wilson Counties and declaring an emergency."

H. B. No. 429, A bill to be entitled "An Act relating to election of school trustees in certain districts; and declaring an emergency."

H. B. No. 831, A bill to be entitled "An Act relating to the establishment, powers, functions and employees of the Ector County Juvenile Board; and declaring an emergency."

H. B. No. 86, A bill to be entitled "An Act amending the Revised Civil Statutes of Texas, 1925, by adding thereto a new article to be known as Article 5472e; requiring certain building and improvement contractors to give notice of certain subcontracts to the parties of the original contract; etc., and declaring an emergency."

H. B. No. 1055, A bill to be entitled "An Act providing for the conveyance of certain State-owned lands to the City of El Paso to be used for park purposes, providing for the reservation of all minerals, providing for the exclusive leasing rights to be reserved to the State, providing for a reverter, providing for the acquisition of privately-owned land prior to the issuance of patent, and creating an emergency."

H. B. No. 1073, A bill to be entitled "An Act relating to the creation of the Hospital District of Maverick County, Texas, by authority of Section 9, Article IX, Constitution of the State of Texas; and declaring an emergency."

H. B. No. 728, A bill to be entitled "An Act validating Hall and Donley Counties Water Control and Improvement District Number One; validating the boundaries of said District; etc., and declaring an emergency."

H. B. No. 551, A bill to be entitled "An Act amending the Texas Uniform Gifts to Minors Act to provide for the donation of life or endowment insurance policies and annuity contracts to a custodian for the benefit of a minor, under the Texas Uniform Gifts to Minors Act; etc., and declaring an emergency."

Reports of Standing Committee

Senator Ratliff submitted the following reports:

Austin, Texas,
May 4, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 916, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 4, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 861, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

RATLIFF, Chairman.

House Bill 459 on Second Reading

On motion of Senator Kazen and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 459, A bill to be entitled "An Act relating to the election of county-wide district trustees in certain counties; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 459 on Third Reading

Senator Kazen moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 459 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

House Bill and Resolutions on First Reading

The following bill and resolutions received from the House were read the first time and referred to the Committees indicated:

H. B. No. 243, To the Committee on Education.

H. J. R. No. 65, To the Committee on Constitutional Amendments.

H. J. R. No. 66, To the Committee on Constitutional Amendments.

H. J. R. No. 69, To the Committee on Constitutional Amendments.

House Concurrent Resolution 110 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 110, Paying Tribute and In Memory of Lieutenant General Kearle L. Berry.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

House Concurrent Resolution 107 on Second Reading

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 107, In Memory of Honorable Sherman Minton.

The resolution was read.

On motion of Senator Kennard and by unanimous consent the resolution was considered immediately and was adopted by a rising vote of the Senate.

House Bill 916 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent H. B. No. 916 was ordered not printed.

House Bill 861 Ordered Not Printed

On motion of Senator Hightower and by unanimous consent H. B. No. 861 was ordered not printed.

Senate Bill 549 on First Reading

Senator Hall moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The following bill was then introduced, read first time and referred to the Committee indicated:

By Senators Hall and Rogers:

S. B. No. 549, A bill to be entitled "An Act requiring all taxing authorities using the services of the county tax assessor-collector, either in assessing or collecting taxes for the taxing authority, to furnish the county tax assessor-collector, on or before July 20th of each year, the tax rate adopted by the taxing authority for the succeeding taxable year; providing in the event such tax rate is not furnished to the county tax assessor-collector within the time prescribed, the tax rate shall be that rate adopted for the preceding taxable year; making other provisions relating to the subject; and declaring an emergency."

To the Committee on State Affairs.

Recess

On motion of Senator Reagan and by unanimous consent the Senate at 12:13 o'clock p.m. took recess until 2:30 o'clock p.m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p.m. today.

**Committee Substitute
House Bill 33 on Second Reading**

On motion of Senator Blanchard and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C. S. H. B. No. 33, A bill to be entitled "An Act amending Chapter 168, General Laws, Acts of the 39th Legislature, Regular Session, 1925, by adding thereto a new section making it unlawful to substitute one instrument in writing for another in certain transactions and making it unlawful to induce the making of a loan or extension of credit by false pretext under certain circumstances and providing for enhancement of punishment for subsequent violations; and declaring an emergency."

The bill was read second time and passed to third reading.

**Committee Substitute
House Bill 33 on Third Reading**

Senator Blanchard moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. H. B. No. 33 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Hightower
Bates	Kazen
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Word

Absent

Kennard	Watson
Spears	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the final passage of C. S. H. B. No. 33 on its final passage.

House Bill 285 Re-referred

On motion of Senator Dies and by unanimous consent H. B. No. 285 was withdrawn from the Committee on Jurisprudence and was re-referred to the Committee on Counties, Cities and Towns.

House Bill 69 on Second Reading

On motion of Senator Parkhouse and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 69, A bill to be entitled "An Act amending Chapter 179, Acts of the 56th Legislature, Regular Session, 1959, pertaining to water safety; and declaring an emergency."

The bill was read second time.

Senator Parkhouse offered the following Committee Amendment to the bill:

Amend H. B. No. 69 by striking all below the enacting clause and substituting in lieu thereof the following:

Section 1. Chapter 179, Acts of the 56th Legislature, Regular Session, 1959, as amended (codified as Article 1729a of Vernon's Annotated Penal Code), is amended to read as follows:

"Section 1. Declaration of Policy. This Act shall be referred to as the 'Texas Water Safety Act.' It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto.

"Section 2. Definitions. As used in this Act, unless the context clearly requires a different meaning:

"(1) 'Vessel' means every description of watercraft, other than a seaplane on water, used or capable of being used as transportation on water or which operates at night, and uses any means of locomotion other than paddle, oars, or poling.

"(2) 'Motorboat' means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bu-

reau of Customs of the United States Government, or any federal agency successor thereto.

"(3) 'Owner' means the person who claims lawful possession of a vessel by virtue of legal title or equitable interest therein which entitles him to such possession.

"(4) 'Waters of this state' means any public waters within the territorial limits of this state; provided, however, privately owned waters shall be excluded from the provisions of this Act.

"(5) 'Person' means an individual, partnership, firm, corporation, association, or other entity.

"(6) 'Operate' means to navigate or otherwise use a motorboat or a vessel.

"(7) 'Department' means State Highway Department.

"(8) 'Dealer' means a person, firm, or corporation engaged in the business of selling motorboats.

"(9) 'Boat Livery' means a business establishment engaged in renting or hiring out motorboats for profit.

"Section 3. Operation of Unnumbered Motorboats. Every motorboat on the waters of this state shall be numbered, except as provided by exemptions in this Act. No person shall operate or give permission for the operation of any motorboat on such waters unless the motorboat is numbered as required by this Act which numbering system shall be in accord with the Federal Boating Act of 1958 and subsequent amendments thereto, and unless (1) the certificate of number awarded to such motorboat is in full force and effect, and (2) the identifying number set forth in the certificate is properly displayed on each side of the bow of such motorboat.

"Section 4. Identification Number.

(a) The owner of each motorboat requiring numbering by this state shall file an application for number with the department on forms approved by it. The application shall be signed by the owner of the motorboat and shall be accompanied by a fee for which is hereinafter provided. Upon receipt of the application in approved form, the department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number awarded to the motorboat and the name and address of the owner. The owner shall paint on or attach to each side of the motorboat or vessel near the bow thereof the identification number in

such manner as may be prescribed by the department. The number shall be clearly visible and maintained in legible condition. The certificate of number shall be pocket size. The form of certificate of number, application form, and manner of renewal shall be prescribed by the department, provided, however, that the certificate of number does not have to physically be on the person of the operator. Partial fees for newly purchased watercraft or other boats not previously operated within this state may be paid on a yearly basis.

"(b) The owner of any vessel or motorboat for which a current certificate of number has been awarded pursuant to any federal law or a federally approved numbering system of another state shall, if such motorboat, or vessel is operated on the waters of this state in excess of ninety (90) days, make application for a certificate of number in the manner prescribed in this Act for a resident of this state.

"(c) The owner shall furnish the department notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat numbered in this state or of the destruction or abandonment of such motorboat, within a reasonable time thereof. In all such cases, the notice shall be accompanied by a surrender of the certificate of number. When the surrender of the certificate is by reason of the motorboat being destroyed or abandoned, the department shall cancel the certificate and enter such fact in the records. The purchaser of a motorboat shall within a reasonable time after acquiring same present evidence of ownership thereof and make application to the department for transfer to him of the certificate of number issued to such motorboat, giving his name, address, and number of the motorboat and shall at the same time pay to the department a fee of One Dollar (\$1). Upon receipt of the application and fee the department shall transfer the certificate of number issued for such motorboat to the new owner. Unless such application is made and fee paid within a reasonable time, such motorboat shall be deemed to be without certificate of number, and it shall be unlawful for any person to operate such motorboat until the certificate is issued.

"(d) The department may award

any certificate of number directly or may authorize any person to act as agent for awarding of certificates. In the event that a person accepts authorization he shall execute a faithful performance bond of not less than One Thousand Dollars (\$1,000) in favor of the State of Texas, and may be assigned a block or blocks of numbers and certificates which upon award, in conformity with this Act and with any rules and regulations of the department, shall be valid as if awarded directly by the department. Such agent shall be entitled to a fee for his services not to exceed ten per cent (10%) of the fee for each original certificate.

"(e) All ownership records of the department made or kept pursuant to this Act shall be public records. Copies of all rules and regulations pursuant to this Act shall be furnished without cost with each certificate of number issued.

"(f) Every certificate of number awarded pursuant to this Act shall continue in full force and effect for a period of two (2) years unless sooner terminated or discontinued in accordance with the provisions of this Act. Certificates of number shall be valid for the biennium from April 1 of one year to March 31 of the first succeeding year, both days inclusive.

"(g) Any holder of a certificate of number shall notify the department within a reasonable time, if his address no longer conforms to the address appearing on the certificate and shall, as a part of the notification, include his new address. The department may provide in its regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of the outstanding certificate to show the new address of the holder. Changes of address shall be noted on the records of the department.

"(h) In the event that any certificate of number becomes lost, mutilated or illegible, the owner of the motorboat for which the certificate was issued may obtain a duplicate upon application to the department and the payment of a fee of One Dollar (\$1).

"(i) It shall be unlawful for any person to paint, attach, or otherwise display on either side of the bow of any motorboat any number other than the number awarded to said motorboat or granted reciprocity pur-

suant to this Act.

"(j) It shall be unlawful for any person to deface or alter the certificate of number or number assigned and appearing on the bow of any boat.

"(k) An application for renewal of a certificate of number shall be made by the owner on an application therefor which must be received by the department within a period consisting of the last ninety (90) days before the expiration date on the certificate of number and the same number will be issued upon renewal. Any application not so received shall be treated in the same manner as an original application.

"Section 5. Manufacturer's or Builders Serial Number.

"(a) All new boats manufactured for sale in Texas after the effective date of this Act must carry a manufacturer's serial number clearly imprinted on the structure of the boat or displayed on a plate attached to the boat in a permanent manner.

"(b) The owner of any vessel not required to carry a manufacturer's serial number may file an application for a serial number with the department on forms approved by it. The application shall be signed by the owner of the vessel and shall be accompanied by a fee of One Dollar (\$1). Upon receipt of the application in approved form, the department shall enter the same upon the records of its office and issue to the applicant a serial number.

"(c) No person shall wilfully destroy, remove, alter, cover, or deface the manufacturer's serial number, or plate bearing such serial number, or the serial number issued by the department, on any boat. The possession of a boat with a serial number which has been altered, defaced, mutilated or removed, is forbidden, and any person who obtains or comes into possession of such a boat is required to file with the department a sworn statement describing the boat, proving legal ownership and, if known, the reason for the destruction, removal or defacement of the serial number.

"Section 6. Dealer's and Manufacturer's Number. (a) Any dealer or manufacturer of motorboats in this state may, instead of securing a certificate of number for each motorboat he may wish to show or demonstrate or test on waters of this state, procure a dealer's and manufacturer's num-

ber which shall be attached to any motorboat which he sends temporarily on the waters. The two (2) year fee for a dealer's and manufacturer's number shall be Twenty-five Dollars (\$25). Every dealer or manufacturer applying for such a number shall apply on forms provided by the department. The application shall state that the applicant is a dealer or manufacturer within the meaning of this Act, and the facts stated on the application shall be sworn before an officer authorized to administer oaths. No such number shall be issued until the provisions of this article have been satisfied.

"(b) Each dealer or manufacturer holding a dealer's or manufacturer's number may issue a reasonable temporary facsimile of such number which may be used by any authorized person. A person purchasing a motorboat may use the dealer's number for a period not to exceed ten (10) days, prior to filing application for number. The form of the facsimile of the dealer's and manufacturer's number and the manner of display shall be prescribed by the department.

"Section 7. Classification and Required Equipment.

"(a) Motorboats subject to the provisions of this Act shall be divided into four (4) classes as follows:

"Class A. Less than sixteen (16) feet in length.

"Class 1. Sixteen (16) feet or over and less than twenty-six (26) feet in length.

"Class 2. Twenty-six (26) feet or over and less than forty (40) feet in length.

"Class 3. Forty (40) feet or over.

"(b) Every vessel or motorboat when not at dock in all weathers from sunset to sunrise shall carry and exhibit at least one (1) bright light, lantern, or flare up and the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited:

"(1) Every motorboat of classes A and 1 shall carry the following lights:

"First: A bright white light aft to show all around the horizon.

"Second. A combined lantern in the fore part of the vessel and lower than the white light aft, showing green to starboard and red to port, so fixed as to throw the light from right ahead to two (2) points abaft the beam on their respective sides.

"(2) Every motorboat of classes 2 and 3 shall carry the following lights:

"First. A bright white light in the fore part of the vessel as near the stem as practicable, so constructed as to show an unbroken light over an arc of the horizon of twenty (20) points of the compass, so fixed as to throw the light ten (10) points on each side of the vessel; namely from right ahead to two (2) points abaft the beam on either side.

"Second. A bright white light aft to show all around the horizon and higher than the white light forward.

"Third. On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten (10) points of the compass, so fixed as to throw the light from right ahead to two (2) points abaft the beam on the starboard side. On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten (10) points of the compass, so fixed as to throw the light from right ahead to two (2) points abaft the beam on the port side. The said side lights shall be fitted with inboard screens of sufficient length so set as to prevent these lights from being seen across the bow.

"(3) Motorboats of Classes A and 1 when propelled by sail alone shall carry the combined lantern, but not the white light aft, prescribed by this section. Motorboats of classes 2 and 3 when so propelled, shall carry the colored side lights, suitably screened, but not the white lights. Motorboats of all classes, when so propelled, shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

"(4) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two (2) miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one (1) mile. The word 'visible' in this subsection when applied to lights, shall mean visible on dark nights with clear atmosphere.

"(5) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.

"(c) Any motorboat may carry and exhibit the lights required by the Reg-

ulations for Preventing Collisions at Sea, 1948, Act of October 11, 1951 (65 Stat. 406-420), as amended, in lieu of the lights required by subsection (b) of this section.

"(d) Every motorboat of class 1, 2, or 3 shall be provided with an efficient whistle or other sound-producing mechanical appliance.

"(e) Every motorboat of class 2 or 3 shall be provided with an efficient bell.

"(f) Every motorboat shall carry at least one (1) life preserver, or life belt, or ring buoy, or other device of the sort prescribed by the regulations of the Commandant of the Coast Guard for each person on board, so placed as to be readily accessible. Provided, that every motorboat carrying passengers for hire shall carry so placed as to be readily accessible at least one (1) life preserver of the sort prescribed by the regulations of the Commandant of the Coast Guard for each person on board.

"(g) Every motorboat shall be provided with such number, size, and type of fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by the regulations of the Commandant of the Coast Guard, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.

"(h) The provisions of subsections (d), (e) and (g) of this section shall not apply to motorboats while competing in any race conducted pursuant to this Act or, if such boats be designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.

"(i) Every motorboat shall have the carburetor or carburetors of every engine therein (except outboard motors) using gasoline as fuel, equipped with such efficient flame arrestor, backfire trap, or other similar device as may be prescribed by the regulations of the Commandant of the Coast Guard.

"(j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature, shall be provided with such means as may be prescribed by the regulations of the Commandant of the Coast Guard for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.

"(k) No person shall operate or give permission for the operation of a vessel which is not equipped as required by this section or modification thereof.

"(l) It is hereby declared to be a policy of the State of Texas that all equipment rules and regulations enacted pursuant to the authority granted in this Act shall be uniform and not inconsistent with the equipment provisions of this Act.

"Section 8. Exemption from Numbering Provisions of this Act. A motorboat shall not be required to be numbered under this Act if it is:

"(1) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or federally-approved numbering system of another state; provided, that such motorboat shall not have been within this state for a period in excess of ninety (90) consecutive days.

"(2) A motorboat from a country other than the United States temporarily using the waters of this state.

"(3) A motorboat whose owner is the United States, a state or subdivision thereof.

"(4) A ship's lifeboat.

"(5) A motorboat belonging to a class of motorboats which has been exempted from numbering by the department after said agency has found that the numbering of motorboats of such class will not materially aid in their identification; or if an agency of the federal government has a number system applicable to the class of motorboats to which the motorboat in question belongs, after the department has further found that the motorboat would also be exempt from the numbering if it were subject to the federal law.

"All motorboats eight (8) feet in length or under and propelled by motors ten (10) horsepower or less, shall be exempt from the numbering provisions, and from the safety equipment provisions except in so far as they shall be required to have one (1) Coast Guard approved life preserver for each person aboard, and a white light to exhibit between the hours of sunset and sunrise.

"Section 9. Boat Liveries. (a) The owner of a boat livery shall keep a record of: the name and address of the persons hiring any vessel which is designed or permitted by him to be operated as a motorboat; the certificate of number thereof; the time and date of departure and the expected time of

return. The record shall be kept six (6) months.

"(b) Boat liveries shall make application directly to the department on forms provided by the department. The application shall state the applicant livery is within the meaning of this Act, and the facts stated in the application shall be sworn before an officer authorized to administer oaths.

"Section 10. Prohibited Operation. It shall be unlawful for any person to operate any motorboat or vessel or manipulate any water skis, aquaplane, or similar device in a willfully or wantonly reckless or negligent manner so as to endanger the life, limb, or property of any person.

"Section 11. Application of Act. The revisions of this Act shall apply to all the public waters of this state and to all watercraft navigated or moving thereon.

"Section 12. Operating Boat at Excessive Speed Prohibited. No person shall operate any boat at a rate of speed greater than is reasonable and prudent, having due regard for the conditions and hazards, actual and potential, then existing, including weather and density of traffic, or greater than will permit him, in the exercise of reasonable care, to bring such boat to a stop within the assured clear distance ahead.

"Section 13. Rules of the Road. The United States Coast Guard Inland Rules are hereby adopted and shall apply to all public waters of this state in so far as they are applicable.

"Section 14. Operation so as to Create Hazardous Wake or Wash Prohibited. No person shall operate any motorboat so as to create a hazardous wake or wash.

"Section 15. Operation in Circular Course Around Fisherman or Swimmer Prohibited. No person shall operate any motorboat in a circular course around any other boat any occupant of which is engaged in fishing or any person swimming. No swimmer or diver shall come within two hundred (200) yards of any sightseeing or excursion boat except for maintenance purposes.

"Section 16. Buoy, Beacon or Light Marker—Mooring to or Removing Prohibited. No person shall moor or attach any boat to any buoy, beacon, light marker, stake, flag or other aid to safe operation placed upon the public waters of this state by, or by others under the authority of, the United States or the State of Texas,

or shall move, remove, displace, tamper with, damage or destroy the same.

"Section 17. Anchoring in Traveled Portion of River or Channel Prohibited. No person shall anchor any boat in the traveled portion of any river or channel so as to prevent, impede or interfere with the safe passage of any other boat through the same.

"Section 18. Restricted Areas. No person shall operate a boat within a water area which has been clearly marked by buoys or some other distinguishing device as a bathing, fishing, swimming or otherwise restricted area by the department or by a political subdivision of the state; provided, that this section shall not apply in case of an emergency, or to patrol or rescue craft.

"Section 19. Local Regulation. (a) The Governing Body of any incorporated city or town, with respect to public waters within its corporate limits and all lakes owned by it, is hereby authorized by city ordinance to designate certain areas to be bathing, fishing, swimming or otherwise restricted areas, and to make such rules and regulations relating to the operation and equipment of boats as it may deem necessary for the public safety, the provisions of which are consistent with the provisions of this Act.

"(b) The commissioners court of any county, with respect to public waters within the territorial limits of the county but outside the corporate limits of any incorporated city or town or political subdivision as contained in (c) below, except lakes owned by an incorporated city or town, is hereby authorized by order of the commissioners court entered upon its records to designate certain areas to be bathing, fishing, swimming or otherwise restricted areas, and to make such rules and regulations relating to the operation and equipment of boats as it may deem necessary for the public safety, the provisions of which are consistent with the provisions of this Act.

"(c) The Governing Board of any political subdivision of the state created pursuant to the provisions of Section 59, Article 16, of the Constitution of the State of Texas, for the purpose of conserving and developing the public waters of this state, is, with respect to public waters impounded within lakes and reservoirs owned or operated by such political subdivision, authorized by res-

olution or other appropriate order to designate certain areas to be bathing, fishing, swimming or otherwise restricted areas; and to make such rules and regulations relating to the operation and equipment of boats as it may deem necessary for the public safety, the provisions of which are consistent with the provisions of this Act. Provided that a copy of any rule or regulation enacted pursuant to this section shall be summarily filed with the Texas Highway Department and with the Texas Parks and Wildlife Department.

"Section 20. Collisions, Accidents and Casualties. (a) It shall be the duty of the operator of a vessel involved in a collision, accident or casualty, so far as he can do without serious danger to his own vessel, crew and passengers (if any), to render to other persons affected by the collision, accident or casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or casualty and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

"(b) In the case of collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of Fifty Dollars (\$50) shall file with the department a full description as said agency may, by regulation require on or before thirty (30) days.

"(c) These accident reports shall be confidential and shall not be admissible in court as evidence.

"Section 21. Water Skis and Aquaplanes. (a) No person shall operate a vessel on any waters of this state for towing a person or persons on water skis, aquaplane or similar device unless the vessel is equipped with a rear-view mirror of a size no less than four inches (4") in measurement from bottom to top or across from one side to the other. Such mirror shall be mounted firmly so as to give the boat operator a full and complete view beyond the rear of his boat at all times.

"(b) No person shall operate a vessel on any waters of this state towing a person or persons on water skis, surfboard, or similar devices, nor shall any person engage in water skiing,

surfboarding or similar activity at any time between the hours from one (1) hour after sunset to one (1) hour before sunrise.

"(c) The provisions of subsection (a) and (b) of this section shall not apply to motorboats or vessels used in water ski tournaments, competitions, exhibitions or trials therefor, provided that adequate lighting is provided.

"(d) All motorboats having in tow or otherwise assisting in towing a person on water skis, aquaplane or similar contrivance, shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

"Section 22. Transmittal of Information. In accordance with any request duly made by an authorized official or agency of the United States any information compiled or otherwise available to the department pursuant to Section 29(b) shall be transmitted to said official or agency of the United States.

"Section 23. Penalties. (a) Every person who violates or fails to comply with any provision of this Act, shall be guilty of a misdemeanor.

"(b) Every person convicted of a misdemeanor for which another penalty is not provided shall be punished by a fine of not more than Two Hundred Dollars (\$200).

"(c) Every person who violates or fails to comply with any city ordinance or any order of the commissioners court or order of any political subdivision of this state entered pursuant to this Act, shall be guilty of a misdemeanor. Every person convicted of a misdemeanor for which another penalty is not provided shall be punished by a fine of not more than Two Hundred Dollars (\$200).

"(d) Any person who operates any vessel or manipulates any water skis, aquaplane or similar device, upon the waters of this state in a careless or imprudent manner while such person is intoxicated, or under the influence of intoxicating liquor, or while under the influence of any narcotic drugs or barbiturates or marijuana shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars (\$50) nor more than Five Hundred Dollars (\$500) or by imprisonment of not to exceed six (6) months, or both.

"(e) Any person who operates any vessel or manipulates any water skis,

aquaplane or similar device, upon the waters of this state in willful or wanton disregard of the rights or safety of others or without due caution or circumspection, and at a speed or in a manner so as to endanger or be likely to endanger a person or property shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars (\$25) nor more than Five Hundred Dollars (\$500).

"Section 24. Enforcement. (a) All peace officers and game wardens of this state and its political subdivisions shall have and are hereby given authority as enforcement officers for the purposes of this Act, and they and each of them shall have the power and authority to enforce the provisions of this Act by arrest and the taking into custody any person who may commit any act or offense prohibited by this Act or any person who may violate any provision of this Act.

"(b) Any such officer in order to enforce the provisions of this Act is hereby given the power and the authority to stop and to board any vessel subject to this Act which does not have proper identifying number or is being operated in a reckless manner. Officers so boarding any vessel shall first identify themselves by presenting proper credentials and it shall be unlawful for any person operating a boat on the waters of this state to refuse to obey the directions of such officer when such officer is acting pursuant to the provisions of this Act. Provided, however, that the safety of the vessel shall always be the paramount consideration of any arresting officer.

"(c) Any such officer arresting a person for a violation of this Act may deliver to such alleged violator a written notice to appear (within thirty (30) days) from and after the date of such alleged violation, before the justice court having jurisdiction of the offense. Such person so arrested shall sign said written notice to appear and thereby promise to make his appearance in accordance with the requirements therein set forth, whereupon he may be released. It shall be unlawful for any person who has made such written promise to appear before the court in the county having jurisdiction to fail to appear, and such failure to appear at the time specified shall constitute a misdemeanor and warrant for his arrest may be issued.

"(d) Venue for any alleged violation or offense under the terms and

provisions of this Act shall be in the justice court or county court having jurisdiction where such alleged violation or offense shall have been committed. For any offense under this Act there shall be a presumption that such offense was committed in the justice precinct and county wherein the dam containing such body of water is located.

"Section 25. Fines and Penalties. It shall be the duty of any justice of the peace, clerk of any court, or any other officer of this state receiving any fine or penalty imposed by any court for violation of this Act within ten (10) days after receipt of such fine or penalty, to remit same to deposit of Special Boat Fund, giving the docket number of the case, name of the person fined, and the section of article of the law under which conviction was secured. All costs of the court shall be retained by the court having jurisdiction of the offense, to be deposited as other fees in the proper county fund.

"Section 26. Fees. (a) There is hereby levied a two (2) year fee in Section 4 of this Act as follows:

"Class of Motorboats	two (2) year fee
"Class A	\$ 3.00 less than 16' in length
"Class—1	6.00 16' or over and less than 26'
"Class—2	9.00 26' or over and less than 40'
"Class—3	12.00 40' and over

"Such fee shall accompany the original and/or renewal application for certificate or number as required by this Act; provided that any boat less than sixteen (16) feet in length owned by a boat livery and used for rental purposes shall be required to pay a fee of One Dollar (\$1) for the original and/or renewal application for certificate of number as required by this Act.

"(b) Partial fees for newly purchased motorboats or other motorboats not previously operated within this State, which according to Section 4, must now be registered, may be paid on a prorated basis reduced each year.

"(c) All fees shall be collected by the department or through its duly authorized agents and deposited in the State Treasury to the credit of the Special Boat Fund. The department shall use the fees deposited in the Special Boat Fund for administering the provisions of this Act and purchasing all necessary forms and supplies including the reimbursement of

the Highway Department for any such material produced by its existing facilities or work performed by other divisions of said department, and any remaining funds shall be used to purchase, construct, or maintain boat ramps and comfort stations on or near public waters.

"Section 27. None of the fees of this Act shall apply to commercial fishing or shrimping boats having a boat license issued by the State of Texas as to shrimp or fish commercially in the salt waters of this state.

"Section 28. The State Highway Department is authorized to construct and maintain boat ramps and comfort stations by the use of existing or additional services or facilities of said department. Upon the completion of such work, said department is authorized to prepare and transmit vouchers to the Comptroller of Public Accounts payable to the State Highway Department or to any person, firm, or corporation for reimbursement for such work and the Comptroller of Public Accounts is hereby authorized and directed to issue warrants on the Special Boat Fund to reimburse the Highway Department or any person, firm, or corporation for the work performed.

"Section 29. Uniformity. In the interest of uniformity it is hereby declared to be a basic policy of the State of Texas that the basic authority for the enactment of boating regulations is reserved to the state.

"Section 30. Reciprocity. Out of state registered motorboats are hereby granted full reciprocity for up to one (1) year."

Sec. 2. If any section, subsection, or part of this Act shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remaining portions thereof, it being the express intention of the Legislature to enact such Act without respect to such section, subsection, or a part so held to be invalid or unconstitutional.

Sec. 3. The need for proper enforcement of water safety on waters of this state creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and this Rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The committee amendment was read.

Senator Parkhouse offered the following amendment to the pending Committee Amendment:

Amend the pending Committee Amendment for H. B. No. 69, Section 11, by striking out the word "revisions" found on line 50 and substitute in lieu thereof the word "provisions."

The amendment to the Committee Amendment was read and was adopted.

Senator Parkhouse offered the following amendment to the pending committee amendment:

Amend the pending Committee Amendment of H. B. No. 69, Section 22, by striking out the words "Section 29(b)" from line 55, and substitute in lieu thereof the words "Section 20(b)."

The amendment to the pending Committee Amendment was read and was adopted.

The Committee Amendment as amended was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

On motion of Senator Parkhouse and by unanimous consent the vote by which H. B. No. 69 was passed to third reading was reconsidered.

On motion of Senator Parkhouse and by unanimous consent the vote by which the committee amendment as amended was adopted was reconsidered.

Question — Shall the Committee Amendment as amended be adopted?

Senator Richter offered the following amendment to the pending committee amendment:

Amend Section 15, H. B. No. 69, by adding to the last sentence the words: "or unless within an enclosed area."

The amendment was read and was adopted.

The Committee Amendment as amended was then adopted.

The bill as amended was passed to third reading.

Record of Vote

Senator Hardeman asked to be recorded as voting "Nay" on the passage of H. B. No. 69 to third reading.

House Bill 69 on Third Reading

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 69 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Krueger
Bates	Moore
Blanchard	Parkhouse
Calhoun	Patman
Cole	Ratliff
Colson	Reagan
Creighton	Richter
Dies	Rogers
Hall	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

Nays—3

Crump	Spears
Hardeman	

Absent

Kennard

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read the third time.

Senator Word offered the following amendment to the bill:

Amend H. B. No. 69, Section 8, subsection (5), line 29, page 6, by deleting the following words and figures "eight (8)" and substituting in lieu thereof the following: "fourteen (14)."

The amendment was read and was adopted by the following vote:

Yeas—30

Aikin	Kazen
Bates	Kennard
Blanchard	Krueger
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Watson
Hightower	Word

Absent

Spears

Senator Snelson offered the following amendment to the bill:

Amend Section 2(2) of H. B. No. 69 by eliminating the period on line 29 and adding the following "or any vessel propelled by sail alone."

The amendment was read and was adopted by the following vote:

Yeas—31

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Ratliff
Creighton	Reagan
Crump	Richter
Dies	Rogers
Hall	Schwartz
Hardeman	Snelson
Harrington	Spears
Hazlewood	Strong
Herring	Watson
Hightower	Word
Kazen	

The bill as amended was then finally passed.

Record of Votes

Senators Hardeman and Aikin asked to be recorded as voting "Nay" on the final passage of H. B. No. 69.

Reports of Standing Committees

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 285, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senator Hardeman by unanimous consent submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred H. B. No. 853, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 166, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Finance, to which was referred S. B. No. 420, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Ratliff by unanimous consent submitted the following report:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1092, have had the same under consideration, and we are instructed to report it back to the

Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Senate Bill 76 with House Amendment

Senator Strong called S. B. No. 76 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment 1

Amend S. B. No. 76 by striking Section 1 of S. B. No. 76 and inserting in lieu thereof the following:

"Section 1. Article 2.11 of Chapter 2 of the Insurance Code of the State of Texas is hereby amended to read hereafter as follows:

"Art. 2.11 Directors

"The affairs of any insurance companies organized under the laws of this State shall be managed by not fewer than seven (7) directors. Within thirty (30) days after the subscription books of the company have been filed, a majority of the stockholders shall hold a meeting for the election of directors, each share entitling the holder thereof to one (1) vote. The directors then in office shall continue in office until their successors have been duly chosen and accepted the trust. The annual meeting for the election of directors of any such company shall be held on or before April 30 of each year as the bylaws of the company may direct. Neither directors nor officers need be stockholders unless the Articles of Incorporation or bylaws so require."

The House Amendment was read.

Senator Strong moved that the Senate concur in the House amendment to S. B. No. 76.

The motion prevailed.

Record of Votes

Senators Krueger, Herring and Ratliff asked to be recorded as voting "Nay" on the motion to concur in House amendment to S. B. No. 76.

Senate Bill 205 with House Amendment

Senator Blanchard called S. B. No.

205 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Committee Amendment 1

Amend Senate Bill No. 205 by adding a subsection (7) to Section 8, said additional subsection to follow subsection (6) and to precede Section 9, and to read as follows:

"(7) Without limiting the generality thereof, the term 'stock insurance company' shall include domestic title insurance companies, regulated by Chapter 9 of the Texas Insurance Code, and stipulated premium insurance companies, regulated by Chapter 22 of the Texas Insurance Code."

The amendment was read.

Senator Blanchard moved that the Senate concur in the House amendment to S. B. No. 205.

The motion prevailed by the following vote:

Yeas—28

Aikin	Kazen
Bates	Krueger
Blanchard	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Strong
Herring	Watson
Hightower	Word

Nays—1

Calhoun

Absent

Kennard Spears

Reports of Standing Committees

Senator Herring by unanimous consent submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred S.

C. R. No. 89, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred S. C. R. No. 90, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred S. C. R. No. 91, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred S. C. R. No. 88, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence to which was referred S. C. R. No. 87, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

Senate Concurrent Resolution 87
Ordered Not Printed

On motion of Senator Calhoun and by unanimous consent S. C. R. No. 87 was ordered not printed.

**Senate Concurrent Resolution 88
Ordered Not Printed**

On motion of Senator Calhoun and by unanimous consent S. C. R. No. 88 was ordered not printed.

**Senate Concurrent Resolution 89
Ordered Not Printed**

On motion of Senator Calhoun and by unanimous consent S. C. R. No. 89 was ordered not printed.

**Senate Concurrent Resolution 90
Ordered Not Printed**

On motion of Senator Calhoun and by unanimous consent S. C. R. No. 90 was ordered not printed.

**Senate Concurrent Resolution 91
Ordered Not Printed**

On motion of Senator Calhoun and by unanimous consent S. C. R. No. 91 was ordered not printed.

Message from the House

Hall of the House of Representatives
Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 89, A bill to be entitled "An Act authorizing the Board of Directors of Texas A & M University to convey to the United States land on or conveniently located in reference to, the campus of Texas A & M University and land comprising a part of the land on which is located the Texas Agricultural Experiment Station at Lubbock, for the United States, at its expense, to construct thereon and to use said land in connection therewith, laboratories and research facilities so as to provide broadened opportunities for cooperative research and instructional programs between the United States Department of Agriculture and Texas A & M University; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

House Bill 41 on Second Reading

On motion of Senator Snelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 41, A bill to be entitled "An Act relating to the establishment of four additional state schools for the mentally retarded; amending Sections 1, 2, and 3, Chapter 220, Acts of the 58th Legislature, 1963; and declaring an emergency."

The bill was read second time.

Senator Snelson offered the following amendment to the bill:

Amend House Bill 41 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. There may be constructed, established and maintained additional schools for the diagnosis, special training, education, supervision, treatment, care or control of mentally retarded persons of this state. They shall be known as state schools, and after each state school has been located, then the name of the city at or near which it is located shall be added before the words "State School," which shall be the name in each case.

The Board for Texas State Hospitals and Special Schools shall select and acquire by gift or purchase, within the limits of legislative appropriations, sites for the schools, and the Board, in selecting each site, shall make the selection with a view of its accessibility and convenience to the greatest number of inhabitants. Each site shall have sufficient land and have utilities readily available. The Board shall take title to the land selected for each school in the name of the State of Texas for the use and benefit of the school; provided, however, that the Attorney General's Department shall first approve the title to the land selected by the Board.

Section 2. There shall be constructed upon each site selected permanent, suitable, substantial and fireproof buildings sufficient in all respects to care for mentally retarded persons. The buildings shall be provided with modern improvements for furnishing water, heat, ventilation and sewage, within the limits of legislative appropriations.

The Board for Texas State Hospitals and Special Schools shall proceed to prepare plans and specifications for buildings at each state school. After title for the land for a school shall have been approved by the Attorney General as being vested in the State of Texas, and upon the availability of sufficient appropriations, the Board shall contract for the erection of necessary buildings for the proper operation of the school, as provided by law; and the Board shall have the power and authority to do and perform all things necessary for carrying out the purposes of this Act.

Section 3. Upon the completion of the buildings and facilities for a school, the Board for Texas State Hospitals and Special Schools shall appoint personnel necessary to operate and maintain the school and to adequately treat persons admitted, within the limits of legislative appropriations. The Board for Texas State Hospitals and Special Schools shall admit persons and shall provide for their care and maintenance under the same laws, rules and regulations as govern the admission and care of mentally retarded persons provided in the General Laws of the State of Texas governing institutions for the care of the mentally retarded.

Section 4. The importance of this legislation and the crowded condition of the calendar in both Houses create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the Rule is hereby suspended.

The amendment was read and was adopted.

On motion of Senator Snelson and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading.

House Bill 41 on Third Reading

Senator Snelson moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Kennard
Bates	Krueger
Blanchard	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Snelson
Hazlewood	Spears
Herring	Strong
Hightower	Watson
Kazen	Word

Nays—1

Calhoun

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Parkhouse and Calhoun asked to be recorded as voting "Nay" on the final passage of H. B. No. 41.

Senate Concurrent Resolution 92

Senator Hightower by unanimous consent offered the following resolution:

S. C. R. No. 92, Directing the Senate Enrolling Clerk to delete certain language from S. J. R. No. 26.

Be it resolved by the Senate of Texas, the House of Representatives concurring, that the Senate Enrolling Clerk be directed to delete from S. J. R. No. 26, Section 4, the following language:

"and the sum of Five Thousand Dollars or so much thereof as is necessary is hereby appropriated out of any funds of the State of Texas not otherwise appropriated to pay for publishing the proclamation and holding said election."

**HIGHTOWER
HARDEMAN**

The resolution was read and was adopted by the following vote:

Yeas—31

Aikin	Cole
Bates	Colson
Blanchard	Creighton
Calhoun	Crump

Dies	Patman
Hall	Ratliff
Hardeman	Reagan
Harrington	Richter
Hazlewood	Rogers
Herring	Schwartz
Hightower	Snelson
Kazen	Spears
Kennard	Strong
Krueger	Watson
Moore	Word
Parkhouse	

Senate Resolution 623

Senator Spears by unanimous consent offered the following resolution:

Whereas, The Republic of Mexico, is on this, the 5th day of May, celebrating one of its national holidays in commemoration of its independence; and

Whereas, This celebration expresses the sincere spirit of the people of that great nation, since on this memorial occasion, Mexico threw off the chains of tyranny and became a land free from oppression and foreign domination and became a most highly respected nation, renowned for its Democratic principles of government; and

Whereas, The distinguished President of Mexico, Gustavo Diaz Ordaz, has and is continuing to enhance the establishment of cordial relations throughout this hemisphere; now, therefore, be it

Resolved by the Senate on this the 5th day of May, 1965, that we in resolution extend to the Republic of Mexico, its President, Gustavo Diaz Ordaz, and its proud citizens, through the House of Deputies, our best wishes and felicitations on this, their Cinco de Mayo Celebration, a day whose spirit of freedom we as Texans share, and that we this day adjourn in honor of that great nation and its freedom loving people.

The resolution was read and was adopted.

Bills Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills:

H. B. No. 120, A bill to be entitled "An Act amending Article 10.18 of Chapter 10, Title 122A, Taxation—General, Revised Civil Statutes of

Texas, cited as the Special Fuels Tax Law to reduce the amount of statutory penalties set out therein to conform to penalties prescribed by the Motor Fuel Tax Law in Article 9.18 of said Title, containing a savings clause; and declaring an emergency."

H. B. No. 456, A bill to be entitled "An Act relating to the classes of counties that are to use jury wheels in selecting jurors; amending Article 2094, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 662, A bill to be entitled "An Act relating to the Hidalgo County Juvenile Board and Juvenile Probation Officer; and declaring an emergency."

H. B. No. 311, A bill to be entitled "An Act amending Section 1, Chapter 9, Acts of the Forty-sixth Legislature, 1939, Regular Session, Special Laws, as amended, providing for the Office of County Purchasing Agent in all counties of this State having a population of 73,000 or more inhabitants according to the last preceding Federal Census; etc.; and declaring an emergency."

H. B. No. 389, A bill to be entitled "An Act amending Section 6 of House Bill 13, Chapter 160, 58th Legislature, Regular Session, 1963, codified as Article 970a, Vernon's Annotated Civil Statutes, cited as the Municipal Annexation Act, by adding a provision for giving additional mailed notice to railroad companies in annexation proceedings, and declaring an emergency."

H. B. No. 416, A bill to be entitled "An Act amending Section 1, Chapter 50, Acts of the 55th Legislature, 1957, as amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Irion and Sterling Counties to the list of counties regulated; and declaring an emergency."

H. B. No. 580, A bill to be entitled "An Act authorizing Independent School Districts, subject to rules and regulations adopted by the Central Education Agency, to conduct vocational classes and other educational programs for students of all ages; etc.; and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act amending Section 1, Chap-

ter 125, Acts of the 52nd Legislature, 1951, as amended, relating to the regulatory authority of the Parks and Wildlife Commission in certain counties, to add Cooke County to the list of counties regulated; and declaring an emergency."

H. B. No. 483, A bill to be entitled "An Act to amend Article 3.39, Insurance Code of Texas (Acts 1951, 52nd Legislature, Chapter 491), as amended by adding thereto a new Part III, designated Separate Accounts; to provide thereby for the establishment and allocation of funds by life insurance companies to one or more separate accounts; etc.; and declaring an emergency."

H. B. No. 278, A bill to be entitled "An Act relating to the compensation of the stenographer to the district attorney of the 64th Judicial District; and declaring an emergency."

H. B. No. 719, A bill to be entitled "An Act relating to the date on which elections of directors of the City of McAllen Water and Sewer Authority are held; etc.; and declaring an emergency."

H. B. No. 303, A bill to be entitled "An Act providing for an additional class of counties which may establish junior college districts; amending Section 17(a), Chapter 290, Acts of the 41st Legislature, Regular Session, 1929, as amended; and declaring an emergency."

H. B. No. 193, A bill to be entitled "An Act validating the incorporation of cities and towns heretofore incorporated or attempted to be incorporated under the general laws of Texas; etc.; and declaring an emergency."

H. B. No. 432, A bill to be entitled "An Act amending Section 1 (D) of Chapter 507, Acts of the Fifty-eighth Legislature, 1963, Regular Session, otherwise known as Article 199 (162), Vernon's Annotated Civil Statutes of Texas, 1925, as amended, providing for the terms of the 162nd Judicial District Court of Dallas County, Texas, and the Criminal Judicial District Court Number 4 of Dallas County, Texas; and declaring an emergency."

H. B. No. 703, A bill to be entitled "An Act creating the Lubbock State

School Independent School District; providing for its territorial limits; providing for trustees; providing for taking census and certifying scholastics; and declaring an emergency."

H. B. No. 775, A bill to be entitled "An Act relating to the compensation of the Judges of the 92nd, 93rd and 139th Judicial Districts; and declaring an emergency."

H. B. No. 846, A bill to be entitled "An Act relating to the salaries of the official shorthand reporters to the 2nd and 145th Judicial Districts; and declaring an emergency."

House Bill 479 on Second Reading

On motion of Senator Bates and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 479, A bill to be entitled "An Act amending Section 3 of Chapter 6, Acts of the Forty-third Legislature, First Called Session, 1933, as added by Chapter 337, Acts of the Forty-eighth Legislature, 1943, (compiled as Section 3 of Article 2654b-1 of Vernon's Annotated Civil Statutes) to provide that orphans of members of the Texas National Guard and the Texas Air National Guard killed since January 1, 1946, while on active duty may receive benefits by way of exemption from certain fees at state-supported institutions of higher learning; and declaring an emergency."

The bill was read second time and passed to third reading.

House Bill 479 on Third Reading

Senator Bates moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 479 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—31

Aikin	Colson
Bates	Creighton
Blanchard	Crump
Calhoun	Dies
Cole	Hall

Hardeman	Ratliff
Harrington	Reagan
Hazlewood	Richter
Herring	Rogers
Hightower	Schwartz
Kazen	Snelson
Kennard	Spears
Krueger	Strong
Moore	Watson
Parkhouse	Word
Patman	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Reports of Standing Committee

Senator Ratliff by unanimous consent submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 1044, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 665, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

RATLIFF, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Counties, Cities and Towns, to which was referred H. B. No. 790, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended, and be printed.

RATLIFF, Chairman.

House Bill 345 on Second Reading

On motion of Senator Aikin and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H. B. No. 345, A bill to be entitled "An Act amending Article 2135, Revised Civil Statutes of Texas, 1925, as amended, relating to exemption from jury service, by amending Subdivision 16 thereof so as to grant an exemption to either the husband or the wife where both spouses are summoned to serve on the same jury panel; and declaring an emergency."

The bill was read second time and passed to third reading.

Record of Votes

Senators Kennard, Dies, Strong, Blanchard, Rogers and Calhoun asked to be recorded as voting "Nay" on the passage of H. B. No. 345 to third reading.

House Bill 345 on Third Reading

Senator Aikin moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that H. B. No. 345 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Krueger
Bates	Moore
Calhoun	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Hall	Richter
Hardeman	Schwartz
Harrington	Snelson
Herring	Strong
Hightower	Watson
Kazen	Word

Nays—4

Blanchard	Kennard
Dies	Rogers

Absent

Cole	Spears
Hazlewood	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Dies, Calhoun and Kennard asked to be recorded as voting "Nay" on the final passage of H. B. No. 345.

Senate Concurrent Resolution 93

Senator Hall offered the following resolution:

S. C. R. No. 93, Granting Morris Dan Drumm and Mrs. Neil Drumm as next friend of Morris Dan Drumm permission to sue the State.

Whereas, Morris Dan Drumm alleges that the State of Texas has negligently maintained an overwaxed and unsafe floor at Texas Technological College; and

Whereas, Morris Dan Drumm and Mrs. Neil Drumm as next friend of Morris Dan Drumm desire to institute suit against the State of Texas in order to determine what damages, if any, or other relief they are entitled to recover; now, therefore, be it

Resolved by the Senate of the State of Texas, the House concurring, (a) That Morris Dan Drumm and Mrs. Neil Drumm as next friend of Morris Dan Drumm be granted and are hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction; (b) That in the event such suit is filed, service of citation or any other necessary process shall be had upon the Attorney General of the State of Texas; and (c) That such case shall be tried as other civil cases reserving to either party the right of appeal; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or agencies of the State of Texas, as to the validity of any allegations or claims asserted in said suit, but that all allegations and claims asserted in said suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other cases; and, be it further

Resolved, (a) That nothing herein shall be construed as a waiver of any

defenses, of fact as well as law, that may be asserted by, or available to the State of Texas, or any of the departments or agencies of the State of Texas, or any of the political subdivisions of the State of Texas, in said suit, but (b) That all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Concurrent Resolution 94

Senator Hall offered the following resolution:

S. C. R. No. 94, Granting Harry Jensen permission to sue the State.

Whereas, Harry Jensen alleges that the State of Texas has negligently maintained a park bench; and

Whereas, Harry Jensen desires to institute suit against the State of Texas in order to determine what damages, if any, or other relief he is entitled to recover; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, (a) That Harry Jensen be granted and is hereby granted permission to bring suit against the State of Texas in any court of competent jurisdiction; (b) That in the event such suit is filed, service of citation or any other necessary process shall be had upon the Attorney General of the State of Texas; and (c) That such case shall be tried as other civil cases reserving to either party the right of appeal; and, be it further

Resolved, That nothing herein shall be construed as an admission on the part of the State of Texas, or any of the departments or the agencies of the State of Texas, as to the validity of any claims or allegations asserted in said suit, but that all claims and allegations asserted in same suit must be proved as in other suits under the same rules of evidence and the same laws as apply in, and govern the trial of, other cases; and, be it further

Resolved, (a) That nothing herein shall be construed as a waiver of any defenses, of fact as well as law, that may be asserted by, or available to the State of Texas, or any of the political subdivisions of the State of Texas, or any of the departments or

agencies of the State of Texas, in said suit, but (b) That all such defenses are hereby specifically reserved.

The resolution was read and was referred to the Committee on Jurisprudence.

Memorial Resolutions

S. R. No. 615—By Senator Watson: Memorial resolution for Clarence Stewart.

S. R. No. 616—By Senator Watson: Memorial resolution for John Angell.

Welcome Resolutions

S. R. No. 613—By Senator Herring: Extending welcome to students and teachers of Highland Park Elementary School in Austin.

S. R. No. 614—By Senator Watson: Extending welcome to Mr. Tom Truman of Waco.

S. R. No. 617—By Senator Watson: Extending welcome to Mr. Hilmer W. Huseby.

S. R. No. 618 — By Senator Schwartz: Extending welcome to Seventh Grade Students, Teachers and Sponsors of St. Patrick's School of Galveston.

S. R. No. 619 — By Senator Schwartz: Extending welcome to students and teachers for the Ursuline Academy of Galveston.

S. R. No. 621—By Senator Herring: Extending welcome to students and teachers of the 5th, 6th, 7th, and 8th Grade Classes from Coupland School of Williamson County.

S. R. No. 622—By Senators Aikin and Hall: Extending welcome to the Reverend Robert Walker of Paris, the Reverend Bill Morgan Smith of Greenville and the Reverend Bob Middlebrook of Dallas.

Adjournment

On motion of Senator Hardeman the Senate at 3:58 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

Record of Vote

Senator Patman asked to be record-

ed as voting "Nay" on the motion to adjourn.

APPENDIX

Reports of Standing Committee

Senator Hardeman submitted the following reports:

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 47, An Act providing an exemption from the motor vehicle retail sales and use tax for certain sales and uses; adding Article 6.09 to Chapter 6, Title 122A, Taxation—General, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency;

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Austin, Texas,
May 5, 1965.

Hon. Preston Smith, President of the Senate.

Sir: We your Committee on En-grossed and Enrolled Bills, to which was referred:

S. B. No. 172, An Act to grant and convey to the City of Waco the bed, banks and islands in the Brazos River and that part of the Bosque River downstream from the Waco Dam which is within the city limits of the City of Waco; fixing the consideration for the grant; reserving all of the minerals except sand and gravel therein to the state; providing a severability clause; repealing laws in conflict; and declaring an emergency.

have carefully compared same and find it correctly enrolled.

HARDEMAN, Chairman.

Sent to The Governor

May 5, 1965

S. B. No. 47

S. B. No. 172

In Memory of
Mrs. Maude Hardey Wallace

Senator Krueger offered the following resolution:

(Senate Resolution 610)

Whereas, A great and dynamic period in the history of El Campo and Wharton County passed with the death of Mrs. Maude Hardey Wallace on December 12, 1964; and

Whereas, She was born at the East KO Ranch in Wharton County on October 31, 1890, the daughter of Mr. and Mrs. F. J. Hardey, who had moved to Wharton County from Calcasieu Parish in Louisiana; and

Whereas, On October 19, 1911, Maude Hardey became the bride of R. Bruce Wallace in the family home where she lived until her death on December 12, 1964; and

Whereas, Starting at the turn of the century, Mrs. Wallace and her husband began their influence on the City of El Campo and the entire area, which influence will be felt for many years to come; and

Whereas, Mrs. Wallace's Christian deeds to those less fortunate than she have been a guiding light and inspiration for all those around her; and

Whereas, In her lifetime Mrs. Wallace set a pattern for El Campo, still a young town, that predestined the city's progressiveness; and

Whereas, Mrs. Wallace was the devoted and loving mother of Mrs. Doris Herring, the wife of our colleague, Senator Charles Herring, and Mrs. Maude Knipling of El Campo; and

Whereas, She is also survived by six grandchildren and four great grandchildren; now, therefore, be it

Resolved by the Senate of the State of Texas, That we express our profound gratitude for the life and contributions of Mrs. Maude Hardey Wallace and that we extend our deepest sympathy to Mrs. Doris Herring and Mrs. Maude Knipling, and that copies of this Resolution be sent to them as a token of our esteem; and be it further

Resolved, That a page be set aside in the Senate Journal as a memorial to Mrs. Maude Hardey Wallace, and that when the Senate adjourns today it do so in memory of this great lady.

KRUEGER

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Herring, Hightower, Kazen, Kennard, Moore, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Strong, Spears, Watson, Word.

The resolution was read.

On motion of Senator Moore and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.

In Armory of Lieutenant General Kearie L. Berry

Senator Creighton offered the following resolution:

(Senate Resolution 611)

Whereas, Texas lost an illustrious citizen, an outstanding military man and a devoted public servant in the death of Lieutenant General Kearie L. Berry in Brooke General Hospital, San Antonio, on April 27, 1965; and

Whereas, The 72-year-old retired general, who was a resident of Austin, served the State of Texas as Adjutant General for 14 years from 1947 to 1961; and

Whereas, Before retiring after 30 years of Army service to accept the appointment to this post, Lieutenant General Berry had distinguished himself in three wars and had survived the Bataan death march and 40 months as a prisoner of the Japanese; and

Whereas, Born in Berry, Denton County, on July 6, 1893, he was an outstanding three-sport performer at The University of Texas, a feat all the more remarkable because military service intervened and a decade elapsed between his junior and senior years; and

Whereas, His athletic versatility led him to participate in track, wrestling and football, and he is the oldest football player ever named to an All-Southwest Conference team, earning this distinction in 1924 at the age of 31; and

Whereas, In 1912, he had earned his first football letter with the Texas Longhorns, also receiving football letters in 1914, 1915 and 1924; getting letters in track and field in 1915, 1916 and 1925; winning the Southwest Conference heavyweight wrestling championship in 1915 and 1916; and serving as vice president of the student body in 1915-16; and

Whereas, His exceptional athletic record was recognized in his election to the Longhorn Hall of Honor in 1959; and

Whereas, His first military service was in Mexican border action in 1916 and, after obtaining a regular army commission, he served in a series of overseas tours, including Vladivostok, Siberia, the Philippines and Hawaii before returning to the United States in 1921 and completing his education at The University of Texas; and

Whereas, He won fame as commander of the First Regular Division (Philippine Army) in the Japanese siege of the Philippine Islands at the outbreak of World War II—a siege which culminated in the fall of Bataan and his subsequent internment as a prisoner of the Japanese in Luzon, Formosa, Kyushu and Manchuria; and

Whereas, His decorations include the Silver Star, the Purple Heart, the Distinguished Service Cross and the Distinguished Service Medal; and

Whereas, In 1947, he accepted Governor Beauford Jester's appointment as Adjutant General of Texas and was named to six additional terms by three governors before retiring in 1961; and

Whereas, He is survived by his wife, Alice; a daughter, Mrs. William Reilly, in Germany; a son, Tom Berry of Houston; three sisters, Dr. Ruth Ashe of Houston, Mrs. A. D. Brown of Fontana, California, and Mrs. Harvie Matthews of Chappell Hill, Texas; two brothers, John W. Berry of Corpus Christi and Eugene P. Berry of Huntsville; and eight grandchildren; now, therefore, be it

Resolved, by the Senate of the State of Texas, That we pay tribute to the noble life of one of Texas' most distinguished public officials, gallant soldiers and outstanding athletes and recognize with appreciation his many contributions to the state and nation; and be it further

Resolved, That when the Senate adjourns this day it do so in memory of Lieutenant General Kearie L. Berry; and be it further

Resolved, That a copy of this Resolution be prepared and presented to his family as a token of our sympathy and our profound gratitude for his service to the State of Texas.

CREIGHTON
KRUEGER
HERRING
PATMAN

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Crump, Dies, Hall, Hardeman, Harrington, Hazlewood, Hightower, Kazen, Kennard, Moore, Parkhouse, Ratliff, Reagan, Richter, Rogers, Schwartz, Snelson, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was then unanimously adopted by a rising vote of the Senate.